

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. In the present response, claims 1, 7, 10, 18, and 26 have been amended. Claims 1-26 remain pending.

35 USC §112

In ¶2 of the Action, the Office rejects claim 10 as being indefinite for reciting "selected ones of: links to content provider content, and embedded content provider content." The undersigned apologizes for the clerical error resulting in the claim not being modified as advertised in the Remarks. That error has been corrected. While the undersigned still contends the original claim language was sufficient ... It is respectfully submitted the now-amended claim language is clearly definite.

35 USC §103

Claims 1-26 stand rejected as being obvious over Hawkins (US Patent No. 6,343,318) in view of Sachs (US Patent No. 6,331,865) and Dunn (US Patent No. 6,154,772).

Applicant's acknowledge the Office's is arguing that Hawkins teaches the recited incompatible format for a handheld device because the Hawkins Summary speaks to using both a compressed HTML like communication to compensate for low bandwidth, and a conventional HTTP or HTML communication between a server and a web server.

However, Applicants respectfully traverse the rejection because, it is respectfully submitted, the Office's applying Hawkins to the recited embodiments **fails** because Hawkins **DOES NOT** teach the recited data incompatibility as suggested by the Office

(see, e.g., Response to Arguments). Instead Hawkins attempts to solve a bandwidth issue noted by the Office. Applicants respectfully direct the Office's attention to Hawkins at col. 6 lines 33-47 which states:

Although the wireless communications device can access generic web content, because of the wireless communications device's limited screen size, most existing content will not be as visually appealing, will be harder to navigate, and may take longer to access than specially formatted content. The web content can be formatted for the small screens of most handheld communications devices. This content will download relatively quickly (because of its small size). The formatted content can be created and published **using the same tools used today for desktop web publishing (i.e. HTML tools and web servers)** and could even be viewed using a standard desktop browser.

Thus, there is no incompatibility as recited taught by Hawkins, and for this reason alone the suggested combination with Hawkins fails and **all** rejections must be withdrawn.

Applicants also traverse the rejections for at least the reason that the motivation to combine offered by the Office is wrong. We are talking here of the Office's suggestion to combine a low-bandwidth communication (Hawkins) with a digital book (Sachs) and bi-directional video delivery (Dunn). It is respectfully submitted that the references do not contain sufficient features to suggest the combination indicated by the Office. This violates the Manual of Patent Examining Procedure (MPEP) requirement there suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference as suggested, and that there must be a reasonable expectation of success in the combination. There is little basis provided in the Action to explain the suggested combination of low-bandwidth communication, digital books and bi-directional video delivery, hence it is respectfully the Office provide more detailed explanation to the content of these documents relied on, or with draw the rejections.

In particular, for example, the reason provided by the Office for adding Dunn to the mix of Hawkins and Sachs make little sense. The Office argues the motivation is to allow "content to be sent to many devices at once." But, such a sending to **many devices** at once is **not featured** in the recited embodiments. As is clearly recited in claim 1, for example, a handheld device selects content from a content catalog related to a broadcast, where the content is in a format incompatible with the handheld device. A formatting agent converts the content for the handheld device. **There is no one-to-many relationship** disclosed, e.g., multiple handhelds receiving the selected content from the formatting agent. While such a multiple handset delivery may be effected by multiple handsets practicing the claim, the claim itself recites a single handset and thus the Office's motivation to combine is erroneous. **Applicants respectfully demand** the Office remove the Dunn reference from the rejections or provide a reasonable motivation for why these three lengthy documents may be combined as suggested.

Applicants further traverse the rejections because the Office has failed to reject all features of all claims. For example, the Office has failed to properly reject **claim 24** by claiming it is taught by claims 1 or 6-8. It is respectfully noted claim 24 recites a "transitory selectable item" that is not recited in claims 1 or 6-8; hence the Office's generalization to claim 1 and 6-8 is wrong. The Office has similarly rejected **claim 26** without proper basis. Claim 26 recites "maintaining a content catalog having content changing based at least in part on what is broadcast to the viewing device," and until the present amendments claims 1 and 6-8 did not have such a limitation and hence the rejections of these claims also cannot be said to underlie a rejection of claim 26.

It is believed these highlighted features of these claims is not taught or suggested by the documents relied on by the Office. The Office is requested to withdraw these rejections of claims 24 and 26 or explain the rejections with explicit reference to the documents relied on by the Office.

Amendments

In an effort to conclude prosecution, claims have been amended. **If entered, it is believed these amendments render the present rejections moot**, allowing the claims to pass to issuance. Claim 1 has been amended as follows (emphasis added):

1. A method utilizing for a handheld device, comprising:
receiving by the handheld device a content catalog, **said catalog varying** based at least in part on the broadcast and **identifying interactive content** associated with the broadcast provided by a content provider in a first data format incompatible with the handheld device;
selecting by the handheld device content in the content catalog having the first data format and identifying said selection to a formatting agent; and
receiving said selected content from the formatting agent in a second data format compatible with the handheld device.

In this amended embodiment, the catalog content varies with the broadcast, the content is interactive content, and some selected content is in an incompatible format requiring alteration by a formatting agent for presentation to the handheld. It is submitted there is no teaching or suggestion thereof in the documents relied on by the Office to perform all of the operations as recited.

Such a recited embodiment allows for creating a light-weight handheld device that can nonetheless access rich content by way of the recited formatting agent.

Regarding this amendment to interactive content, see, for example, the Specification at page 5 in which it is stated (emphasis added):

In contrast with current handheld devices that are required to reformat **interactive** content to conform the content to the capabilities of the handheld device, in one embodiment, the power of the local computer system 102 is instead leveraged to perform this function. This allows the construction of the handheld device to be simplified, thus reducing manufacturing costs and risk of failure, e.g., less complex design leaves fewer elements to break. In the claims that follow, the phrases "formatting agent" and "formatting server" refer to a local computer system and/or an application program that converts content for use by the handheld device.

It is respectfully submitted offloading conversion of complex data associated with a broadcast to a formatting agent is not taught or suggested by the documents relied on by the Office. However, if Applicants are incorrect and such features are found within the lengthy documents relied on by the Office, the Office is requested to identify where in such documents these features are found.

Regarding the other independent claims, to facilitate passage to issuance, they have also been amended. Claim 7 has been amended to recite "indicating with the handheld device interest in obtaining a content catalog identifying at least interactive content associated with the broadcast in a first data format provided by a content provider."

Claim 8 has been amended to recite "indicating with the handheld device interest in obtaining a content catalog having a portion identifying interactive content associated with the broadcast in a first data format provided by a content provider."

Claim 18 has been amended to recite "a first memory accessible by the handheld device having first instructions stored therein, which when executed by the handheld device, direct the handheld device to monitor a user interface for a trigger event, and

responsive thereto, to request a catalog associated with the broadcast from the content formatting server, the catalog identifying at least interactive data associated with the broadcast."

Claim 24 and 26 were **NOT** amended due to their not, as discussed above, having been substantively examined in the Office Action.

The dependent claims not explicitly discussed but are deemed allowable for at least the reason as depending from an allowable base claim.


Conclusion

Although an After Final response, Applicants have gone to some lengths to place this matter in condition for allowance and such action is earnestly solicited. If any issues remain, **THE EXAMINER IS ASKED TO CONTACT THE UNDERSIGNED TO DISCUSS THIS MATTER SO THAT SUCH ISSUES MAY BE ADDRESSED.**

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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